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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,454	11/03/2000	Kevin Negus	034421-097	6386

7590 09/24/2003

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EXAMINER
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TRAN, THIEN D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 09/24/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/706,454

Applicant(s)

NEGUS, KEVIN

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being participated by Crisler et al (U.S Patent No.5,295,140).

Regarding claim 1, Crisler discloses a method of operating a wireless communication system comprising:

in a base station (controller), receiving streaming data contention-window slot assignment requests from streaming transmitter units;

in the base station, assigning contention-window slot numbers to the requesting streaming transmitter units;

in the base station, sending an indication of available contention-window slots to other transmitter units; and

in the other transmitter units, using a randomly selected unreserved slot (contention-window slot) to begin transmitting wherein the randomly selected contention window slot is selected from contention-window slots other than the reserved slots (assigned contention-window slots). See figure 1, col.6 lines 25-50.

Regarding claims 2, 8, Crisler discloses that the indication of the available contention-window slots is an indication of the first unassigned slot. See col.5 lines 15-45.

Regarding claim 3, Crisler discloses that the randomly selected slot is selected from slots greater than or equal to the first unassigned slot. See col.6 line 35.

Regarding claims 4, 5, 9, 10, Crisler discloses that the streaming data is audio data or video data. See col.3 lines 50-55.

Regarding claims 6, 11, Crisler discloses that the number of assigned contention window slots is limited. See col.4 lines 10-15.

Regarding claim 7, Crisler discloses a wireless communication system comprising:

- a base station (controller) adapted to receive streaming data contention-window slot requests from streaming transmitter units, the controller adapted to assign contention-window time slot numbers to requesting streaming transmitter units and send an indication of available contention-window slots to other transmitter units;

- at least one streaming transmitter unit adapted to begin transmitting in a contention-window time slot assigned by the controller; and

- at least one other transmitter unit adapted to begin transmitting in a randomly selected contention-window slot, the randomly selected contention window slot being selected from slots other than the assigned slots, the at least one streaming transmitter unit and at least one other transmitter unit sensing the transmit medium and not

beginning to transmit in a contention window if a another unit has begun transmitting.

See figure 1, col.6 lines 10-60.

Regarding claim 12, Crisler discloses a wireless communication system comprising:

a transmitter unit wirelessly transmitting data to a dumb receiver unit;

the video display terminal 120, figure 1, (dumb receiver) unit adapted to receive data from the transmitter unit but not adapted to send an acknowledgment signal to the transmitter unit; and

a base station (surrogate unit) adapted to acknowledge the reception of data intended for the dumb receiver unit with a feedback status signal (surrogate acknowledgment signal) to the transmitter unit. See col.6 lines 50-55.

Regarding claims 13, 14, Crisler discloses that there are multiple dumb receiver units for each surrogate unit. See figure 1.

Regarding claim 15, Crisler discloses that the surrogate unit is a control unit for the system. See col.6 lines 60-65.

Regarding claim 7, Crisler discloses that the acknowledgment signal is a medium-access -control acknowledgment signal. See figure 2C.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Diepstraten et al (US Patent No. 5,422,887) discloses medium access protocol for wireless local area network.

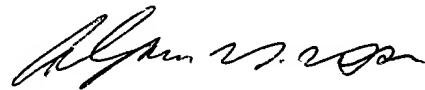
-Tognazzini (US Patent No. 5,860,023) discloses device for getting sophisticated data and voice information from audience.

-Budin et al (US Patent No. 5,276,703) discloses wireless local area network communication system.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



ALPUS H. HSU  
PRIMARY EXAMINER